

## Background information

An accurate court record is a critical component of every trial court proceeding.

In most Superior Courts, the New Jersey Judiciary uses digital recording technology to ensure an accurate record for every court event.

In 2007, the Judiciary began implementing a digital recording system to replace obsolete tape recorders. The digital system uses both a primary and a back-up recording server. The primary server holds the court record.

The back-up runs automatically during regular court hours and captures all courtroom activity.

Because the back-up system is always recording, attorneys, litigants and other court users should be aware that any conversation held in a courtroom between the hours of 8 a.m. and 6:30 p.m. is recorded on the back-up system.

This back-up recording, stored securely within the courthouse, is not an official court record, but it remains available if needed.

According to protocols approved by the Supreme Court, access to the back-up recording is strictly limited to reconstructing the parts of an official court proceeding that have been lost on the primary recording.

Assignment judge approval is required to gain access to the back-up recording for lost notes and records.

For more information about CourtSmart, go to [njcourts.gov](http://njcourts.gov) or contact:

Appellate Division, Administrative Services  
609-815-2950 ext. 54730

# Digital Sound Recording in the Courtroom

New Jersey Courts

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## **What is CourtSmart?**

CourtSmart is the brand name of the digital sound recording system used in New Jersey courtrooms to capture a verbatim court record.

## **How does it work?**

This recording system produces a primary and back-up recording. The primary recording is a public record for playback in court or for creation of a transcript of the court proceeding.

The back-up recording, stored on a secure password-protected server, is accessed only when there is a failure of the primary recording to capture the court proceeding.

The primary recording is operated and controlled by the court clerk. The back-up system records automatically from the beginning of and through the end of each court day.

## **Why are the courts using this system?**

The Judiciary converted to a digital recording system because tape recording systems became obsolete. Digital recording provides enhanced functionality, greater convenience and improved security of the record.

Digital recording offers judges real-time access to the primary recording from their chambers, efficient search for playback for jurors, and improved audibility of the recorded voices.

Attorneys can order audio recordings simply and quickly to play on a computer or portable music player.

## **How can I tell if the system is recording?**

The primary recording is operated by the court clerk each time the judge begins an official court proceeding. A lighted recording indicator is installed in each CourtSmart courtroom.

When the light is on, the primary system is recording. The back-up system is always recording between 8 a.m. and 6:30 p.m.

## **Can I turn the system off if I need to speak privately to my client?**

To provide for private discussion between counsel and client a mute button is located at each counsel table.

When the attorney holds the mute button down, all audio to that microphone is cut. Neither the primary nor the back-up recording servers receive audio from that microphone. The mute switch only mutes the audio going into the system from that microphone. Other microphones are live.

## **How can I protect my client's privacy if the system is always on?**

Attorneys should remember to mute the microphone at counsel table and speak as quietly as possible to their clients if they are unable to speak with clients outside the courtroom.

## **Is digital recording also in use in other areas of the courthouse such as hallways and administrative offices?**

No. The digital recording system is not installed in any public hallways, stairwells, elevators, assembly areas, or jury deliberation rooms.

## **How can I request copies of an official audio record?**

Submit a request for the audio recording to the transcript office in the courthouse.

## **How can I request copies of the back-up recording?**

See Administrative Directive #07-10.

Requests to access the back-up recording are only considered when the primary recording is lost due to mechanical or human error.